

UNITED STATES DISTRICT COURT

Jury demand date: ~~4-1-69~~ - on request of plaintiff
1-20-70 withdrawn

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>M. Lloyd Freese and Dorothy M. Freese</p> <p>vs</p> <p>United States of America</p>		<p>For plaintiff:</p> <p>E. John Eagleton 204 Philtower Building Tulsa, Oklahoma 74103</p> <p>John M. Freese 604 National Bank of Tulsa Building Tulsa, Oklahoma 74103</p> <p>For defendant:</p> <p>Robt. P. Santee, Asst. U.S. Atty. #60.U.S Courthouse Tulsa, Okla. 74103 Ben Douglas, & <i>William W. Guild</i> John O. Jones, Atty. Department of Justice, Tax Division 7A06 Federal Bldg., 819 Taylor Street Ft. Worth, Texas 76102</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 12-1-68	Clerk	11-19-68	Kothe	15 00	
		2-17-71	Eagleton	5 00	
J.S. 6 mailed 2-1-71	Marshal	2-18-71	C.D.No.37		5 00
Basis of Action: Recovery of income taxes	Docket fee				
	Witness fees				
Action arose at: Tulsa	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-12-68	Complaint filed. Summons issued. m	
11-14-68	Return on service of summons filed. Executed by serving Lawrence McSoud, U.S. Atty for NDO at Tulsa, Okla. on 11-14-68. Mailed 2 copies by certified mail and Return Receipt requested to Atty Gen., Dpt of Justice, Wash, DC on 11-14-68. (USM\$3.00)h	
1-13-69	Answer filed by USA. h	
3-17-69	Notice of taking deposition of Lloyd Freese filed. h	
4-1-69	Request for jury trial and order granting same, filed. (AEB-J) ds	
4-7-69	Minute Order: Court orders that pre-trial order be filed by 4-7-69. (AEB-J)h	
4-1-69	Motion of plaintiffs for extension of time within which to comply with pre-trial order, filed. Motion granted that pretrial order be filed on or before 4-28-69. (AEB-J) ds	
4-10-69	Order, time for pretrial extended to May 9, 1969, (AEB-J) filed. js	
4-25-69	Plaintiff's notice of taking depositions, filed. b	
5-6-69	Return on subpoena, filed. Returned unserved because Charles E. McCune not found in this district. m	
5-6-69	Return on subpoena, filed. Served Wayne Harpster personally in Tulsa, Okla., on 5-2-69. (Fees: \$3.20)m	
5-6-69	Return on subpoena, filed. Served I. Benedict Lubell in Tulsa, Okla., on 5-2-69. (Fees: \$2.00)m	
5-12-69	Plaintiffs' motion for continuance for filing pre-trial order to 6-15-69, filed. m	
5-13-69	Order filed, that time for submission of pretrial order by parties be extended to 6-15-69. (AEB-J) ds (copy to Eagleton and Santee)	
6-3-69	Deposition of Benedict I. Lubell, for plaintiffs, taken by Frank L. Peterson, CSR, on 5-5-69, filed. \$111.00 paid by plaintiffs. ds	
6-3-69	Notice of taking depositions of M. Lloyd Freese, Wayne Harpster and Charles E. McCune by plaintiffs, filed. m	
6-11-69	Motion and application of plaintiffs for extension of time within which to comply with pretrial order, filed, with order of Court extending the time to file pretrial order to July 14, 1969, which is the last extension to be granted in this case. (AEB-J)g	
6-19-69	Letter of Charles E. McCune placed in Clerk's vault, to be opened only upon order of court. e	
7-15-69	Parties granted 30 days from date to file pre-trial order. (AEB-J)e	
8-15-69	Pre-trial order, filed. (Allen E. Barrow - Judge) b	
8-19-69	Deposition of Charles E. McCune, on behalf of plaintiffs, filed. (\$91.00)g	
9-5-69	Plaintiffs' motion for continuance of trial, with order of Court postponing trial, filed. g cpy to counsel	
9-9-69	Certificate of mailing motion for continuance, filed. g	
9-9-69	Case set for jury trial on Monday, October 20, 1969, 9:30 A.M. (AEB-J)g	
10-6-69	Deposition of M. Floyd Freese, taken on behalf of plaintiffs, with exhibits, filed. (\$216.00)g	
1-8-70	Motion of Dorothy M. Freese Executrix of the Estate of M. Lloyd Freese to be substituted as party plaintiff, with order allowed, filed. (AEB-J) e	
1-20-70	Stipulation of counsel to withdraw request for jury trial and case to be tried to the Court, filed. m	
2-19-70	Deposition of Ben P. Piepgrass taken 2-18-70 at Dallas, Texas before R T Harris filed. h	
4-6-70	Case set for non-jury trial at 10 A.M., April 13, 1970; trial briefs to be filed on or before 4-10-70. (AEB-J)g	
4-9-70	Ordered by the Court that this case is stricken from the non-jury trial assignment of 4-13-70. (AEB-J) ds	
8-28-70	Minute Order: It is ordered that this case is set for N/J Trial on Monday, Sept. 21, 1970 at 10:00 A.M. (AEB-J)h	

(Cont)

D. C. 110A Rev. Civil Docket Continuation

Sheet No. 2

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-14-70	Trial Brief for the Defendant, filed. v	
9-14-70	Trial brief of plaintiffs, filed. m	
9-16-70	Plaintiff's motion for continuance of trial from 9-21-70, filed. b	
9-16-70	Affidavit of E. John Eagleton for continuance, filed. b	
9-16-70	Plaintiff's brief in support of motion for continuance, filed. b	
9-16-70	Subpoenae, returned & filed: served L. E. Hardin at Bartlesville, Ok. on 9-11-70; Robert D. Anson at Tulsa on 9-13-70; E. H. Lyon at Bartlesville, Ok. on 9-14-70; and Charles E. McCune at Tulsa, Ok. on 9-15-70. (USM \$33.92)g	
9-16-70	Subpoena/duces tecum returned & filed: served L. E. Hardin at Bartlesville, Ok. on 9-16-70. (USM \$13.28)g	
9-18-70	Defendant's opposition to plaintiffs' motion to postpone trial, filed. ds on 9-17-70	
9-18-70	Civil subpoena returned, filed - served Benedict Lubell personally/ at Tulsa, Okla. (Fee \$2.00) b	
9-18-70	Civil subpoena returned, filed - served Ed Tomlin, Jr., personally at Tulsa, Okla. on 9-17-70 (Fee \$2.00) b	
9-21-70	Case stricken from non-jury assignment of this date. (AEB-J)m	
9-22-70	Subpoena returned, filed - Marion F. Axton not found in NDO. b	
11-16-70	It is ordered that this case is set for N/J trial on Monday, 12-7-70 at 10:00 A.M. (AEB-J)h	
12-2-70	Brief in further support of Freese position, filed. g	
12-2-70	Cases in support of brief in further support of Freese position, filed. g	
12-4-70	Return of Civil Subpoena. Served Benedict Lubell at Tulsa, Oklahoma on 12-1-70 at 2:35 P.M. (\$2.00) Filed. v	
12-4-70	Return of Subpoena. Served Chas. E. McCune at Tulsa, Oklahoma at 3:05 P.M. (\$3.44) Filed. v	
12-4-70	Return of Subpoena. Served Ed. Tomlins, Jr., of Elmer Fox & Co., at Tulsa, Oklahoma on 12-1-70 at 2:15 P.M. (\$2.00) Filed. v	
12-4-70	Return of Subpoena. Served Marion F. Axton at Tulsa, Oklahoma on 12-1-70 at 11:20 A.M., (\$2.00) Filed. v	
12-8-70	Return of Subpoena to Produce Document or object. Served: Wayne Willard Harpster, or other responsible person in charge of the Bell Oil & Gas Co. by serving Charles Kinneer, Manager in Tulsa, Oklahoma on 12-4-70 at 4:50 P.M. (Fee \$2.00) Filed. v	
12-8-70	Return of Subpoena. Service on Homer Scott was not completed. Was unable to locate. Filed. v	
12-9-70	Subpoena returned unserved & filed: E. H. Lyon now living in Palm Springs, California, but was served in Tulsa, Ok. 11-23-70. (USM 2.00)g	
12-7-70	Case tried to the Court, Dec. 7, 8, and 9, 1970. Decision under advisement. (Exhibits in safe) (AEB-J)h	
1-13-71	Findings of Fact and Conclusions of Law filed. h	
1-13-71	Judgment filed and entered. It is ordered that the plaintiffs do recover of the defendant the sum of \$2,639.83, plus interest and that the plaintiffs' claim in all other respects be denied and that the costs be borne equally between the plaintiff and the defendant. (AEB-J)h (copies mailed)	
2-17-71	Notice of appeal by plaintiffs, filed. copies to USCA and counsel.	
2-17-71	Cost bond, filed. g	
2-17-71	Certificate of deposit, filed. g	
3-22-71	Transcript of trial proceedings (orig. + 1 cpy), filed. g (2 vols.)	
3-29-71	Appeal record (6 vols.) forwarded to USCA, Denver. g	
4-20-72	Mandate & Opinion of USCA affirming judgment of 1-13-71, filed and spread of record. g	

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-20-72	USCA bill of costs, filed: costs in amt. of \$97.00 taxed against Dorothy M. Freese, in favor of USA. g	
4-20-72	Appeal record received from USCA. g	
10-24-72	Advised by USCA that pet. for W/Certiorari denied by Supreme Court 10-10-72. g	
5-2-73	Release and satisfaction of judgment filed.h	
7-25-73	Order, filed, that appeal bond of \$250. be refunded to Dorothy Freese estate (AEB-J)jj copies mailed	